

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : McVay et al.  
Application No. : 10/758,447  
Filing Date : January 15, 2004  
Docket No. : 23156-150  
Title : VARIABLY CONFIGURED EXERCISE DEVICE

M.S. Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Dear Examiner:

1. This Information Disclosure Statement is filed in accordance with 36 C.F.R. §§§ 1.56, 1.97 and 1.98. The items listed on the enclosed Form PTO/SB/08A may be deemed to be pertinent to the above-referenced application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items and to independently ascertain their teaching.

2. Pursuant to 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made.

3. Pursuant to 37 C.F.R. § 1.97(h), the filing of this Information Disclosure Statement shall not be construed as an admission that the information cited in this Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

4. Pursuant to 37 C.F.R. § 1.97(b) this Statement is being filed:

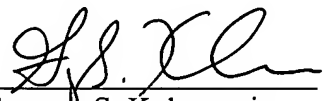
- ( ) within 3 months of the filing date of a national application; or
- ( ) within 3 months of the date of the entry of the national stage as set forth in 37 CFR § 1.491 in an international application; or
- (X) before the mailing date of a first Office Action on the merits; or
- ( ) before the mailing date of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114 .

The Commissioner is hereby authorized to charge any additional fees required for consideration of this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 02-2051, identifying our Docket No. 23156-150.

Respectfully Submitted,

Dated: August 12, 2004

By:

  
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PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

**Complete if Known**

Application Number	10/758,447
Filing Date	January 15, 2004
First Named Inventor	McVAY, John
Art Unit	3764
Examiner Name	Unknown
Attorney Docket Number	23156-150

Sheet 1 of 1

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US- 4,101,124	07/18/1978	Mahnke	
		US- 4,383,684	05/17/1983	Schliep	
		US- 4,911,438	03/27/1990	Van Straaten	
		US- 4,974,832	12/04/1990	Dalebout	
		US- 5,195,935	03/23/1993	Fencel	
		US- 5,354,251	10/11/1994	Sleamaker	
		US- 5,620,403	04/15/1997	Lundin	
		US- 5,785,631	07/28/1998	Heidecke	
		US- 5,938,571	08/17/1999	Stevens	
		US- 5,967,955	10/19/1999	Westfall et al.	
		US- 6,409,631 B1	06/25/2002	Alessandri	
		US- 6,458,060 B1	10/01/2002	Watterson et al.	
		US- 6,547,702	04/15/2003	Heidecke	
		US- 6,626,799 B2	09/30/2003	Watterson et al.	
		US-			
		US-			
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		US-			

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				

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SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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